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DP-REG Digital Technologies Working Group

28 April 2023, 1:30pm to 2:41pm AEST

Attendance:

- ACCC – [REDACTED]
- eSafety – [REDACTED]
- OAIC – [REDACTED]
- ACMA – [REDACTED]

Minutes prepared by the ACCC

Open Meeting and confirm minutes

The Chair opened the meeting and introduced [REDACTED] to the working group, and the [minutes of the previous meeting](#) were approved, with one minor amendment from eSafety, which they agreed to make in the GovTeams version of the minutes.

Agency updates, including attendance at any events and/or any upcoming events

ACCC

- The ACCC noted that the 6th interim report of the Digital Platform Services Inquiry [was published](#) on the date of this meeting, 28 April 2023. This report features an updated analysis of the competitive and consumer landscape in social media, including some high-level findings from the ACCC's recent [influencer sweep](#).
- Also on the date of this meeting, the ACCC noted a colleague in its Digital Platforms Branch was attending a University of Sydney conference on LLMs and generative AI. The ACCC will seek to incorporate relevant insights from this conference into the LLMs pilot study.

ACMA

- The ACMA made reference to Senator Paterson's questions about the working group's proposed meeting with TikTok. This discussion is minuted under 'Other business' below.
- The ACMA noted it had begun some legislative drafting and was also finalising some letters to Discord, Pinterest, Telegram, WeChat, Twitch and Tumblr. It has also been asked to appear before the [Inquiry into the Voice Referendum](#).

eSafety

- eSafety advised its LLM position statement was likely to be completed in May, though there's no set timeframe on publishing it yet. eSafety is seeking to use different experts to the ones involved with the recent NSTC Rapid Response paper.
- eSafety said it had presented at a panel on Standards for the Metaverse on Wednesday 26 April, and had said the drafters of these standards could contact other DP-REG members to discuss any areas of overlap with their regulatory remits.
- Online Safety Act codes – industry groups provided redrafted codes focusing on 'class 2' material by early March, and the eSafety Commissioner is currently considering whether these meet community standards.
- In late March, eSafety provided Minister Rowland with [a roadmap for age verification technology](#), for the Government's consideration. The roadmap includes broad guiding principles, which eSafety will follow up with more detailed work. In terms of overlap with this group, eSafety believes this work may yield some insights into the use of age verification and biometric technology, and will share this with the group when able to do so.

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OAIC

- The OAIC noted that [Privacy Awareness Week](#) this year would run from 1-7 May, the week after the meeting, involving some in-person sessions in Sydney, as well as some online ones.
- The OAIC has been engaging with the Australian Human Rights Commissioner and considering possible opportunities for collaboration, including on AI and the Metaverse.
- Submissions to the Attorney-General's Department's (AGD) Privacy Act Review report have now closed, and the Government is considering them. No submissions have been published on the AGD website yet, but some stakeholders have started to publish their own. The OAIC expects the AGD to eventually publish all submissions on its website.
- The OAIC gave an update on the Facebook matter, which has returned to the Federal Court.

Discussion of Pilot examination of technologies study on LLMs

See also: [Draft 2 of the pilot study](#) and [Timelines to complete the pilot study](#)

- Members all agreed they were happy with the overall structure of this document, subject to some suggestions from the OAIC and ACMA which they had added into the document.
- eSafety noted its Tech Trends team will also be looking at generative AI throughout the year.
- Members agreed to the proposed completion timeframes, which are intended to allow the working group to submit this pilot study to the Steering Committee by 26 May 2023, for their consideration at the 2 June meeting.
- The ACCC agreed to draft responses to the background questions at the start and the section on international developments, subject to additional input from other regulators. Members agreed to divide the remainder of the work based on their respective regulatory remits.
- Members agreed on an ideal length of 5-6 pages, and a maximum length of 10 pages.
- Note that the ACCC subsequently completed draft 2 of this study (linked above) on 5 May 2023 and opened it up to feedback from other members by **12 May**. This draft includes a proposed allocations of work and a slightly amended structure to reduce duplication.
- Members considered whether the working group should recommend that this work be published. While no final decision was made, no members expressed opposition to publication and there was broad agreement that the working group would be expected to publish at least one of the pilot study or the algorithms literature review.
- The ACMA noted the working group would eventually be publishing a 'year in review' paper reporting on our achievements this financial year, and suggested the literature review and this pilot study could be included as attachments to that.

Algorithms literature review

See also: [Current draft of the literature review following Steering Committee input](#).

Working group members discussed the possible publication of this work, including how and where it could be published, and whether it should be renamed. Key points of this discussion included:

- In terms of where to publish the literature review (and potentially the LLMs pilot study), one option discussed was a standalone DP-REG website. However, challenges noted with this approach included that one agency would likely need to host and manage the website.
- Regardless of where the literature review is published, members noted another point to consider in the coming weeks was the timing and drafting of a joint media release.
- The ACCC agreed to draft some wording for inclusion in the Steering Committee paper.
- Members agreed to hold off from getting the review in a 'ready to publish' state until after Steering Committee's final decision on publication.

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- On an officer level, members broadly agreed they would be happy with the work being published (not for comment), though the ACMA and OAIC suggested renaming the document to manage expectations as to its scope and comprehensiveness.
 - Following this meeting, members discussed some possible alternative names in the GovTeams version of the document, linked above.
- To cut down on duplication and the level of work required, members agreed to split up the work of internally reviewing the literature review. The ACCC agreed to arrange for legal and economic review, and eSafety said it could handle the editorial side of things.
- Members agreed to add 'mini-conclusions' to their respective sections, in line with the Steering Committee's previous request to add detail on gaps and areas of future research.
- Members agreed to seek an out-of-session decision from their respective SES representatives on the Steering Group, to allow review work to be conducted ahead of the 2 June meeting.

RMIT and other academic consultation on LLMs

- Members agreed with the ACCC's suggestion to propose another session with Professor Sanderson and the other RMIT researchers we spoke to on 21 April, to allow us to discuss LLMs in more detail. This next session would be optional for non-ACCC members to attend, and it would likely take the form of a free-form discussion of up to 1 hour.
 - Subsequently, on 12 May ██████ sent an email to the RMIT academics attaching the DP-REG presentation slides from the 21 April meeting and inviting the academics to another call on Monday 29 or Tuesday 30 May.

Other business

- In relation to TikTok's proposed virtual 'Transparency and Accountability Tour' into its use of algorithms and biometric identification:
 - The ACMA noted it had developed a response to Senator Paterson's questions
 - Members agreed to suggest Wednesday 24 May to TikTok as the most suitable date. Following this call, the ACCC emailed TikTok to propose 12pm on that date.
- The ACCC noted it was producing summaries of key submissions to the Senate [Inquiry into the influence of international digital platforms](#), and agreed to circulate these summaries with this working group. It subsequently did so via email from ██████ on 3 May.
- Multiple agencies mentioned they were working on or had submitted their responses to a Department of Industry discussion paper on generative AI. The ACCC noted that its response had suggested removing the reference to DP-REG from figure 2 of the paper, because DP-REG is a coordination and collaboration mechanism without its own regulatory functions.

Next steps/action items

- ACCC to seek legal and economic review of the literature review, and to draft additional paragraphs discussing how it might be published.
- All members to discuss possible alternative names for the literature review.
- The ACCC to send through Draft 2 of the LLMs study, with all members to then collaborate on this work with a view to having it ready for Steering Committee review on 2 June.
 - The ACCC subsequently sent through draft 2 on 5 May, as linked above.

Date of next meeting

The next meeting of this working group is scheduled for **2:30pm AEST on Wednesday 17 May 2023**.